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Contact: David Brody, WSU Spokane
Campus Academic Director, Criminal Justice
509/358-7952, brody@wsu.edu

Washingtonians Voice Support for Merit Selection of Judges

SPOKANE, Wash — The results of a Fall, 2008 survey of registered voters across Washington state indicates that the state's residents appear ready to change the way in which the state's judges are selected. This finding is contained in a report of the results of a statewide survey of nearly 1,200 registered voters conducted by Nicholas Lovrich, Director of the Division of Governmental Studies and Services in Pullman, and David Brody, associate professor and academic director of the Criminal Justice Program at Washington State University in Spokane.

The survey found that only 26 percent of respondents rated Washington's current system of selecting judges as *good* or *very good*. This low rating was largely due to concern that, despite the fact that the Washington state constitution provides that judges are selected by nonpartisan election, 60 percent of the state's appellate and superior court judges were appointed to the bench by the governor to fill a midterm vacancy. Respondents also gave the system poor marks due to the small number of contested judicial elections held in the state. In 2008, only 16 percent of judges were opposed in their respective re-election bids. The 84 percent of judges who were not challenged, automatically retained their positions for another term.

"Essentially, we have an election system with very few elections," said Brody. "In a state with populist traditions, a system of selecting judges which largely prevents citizen input was predictably viewed as being undesirable."

In addition to asking about the current method of selecting judges, the survey also asked for citizens' opinions about the commission or merit selection system of judicial selection, which is used to choose some or all judges in 33 states and the District of Columbia.

Under the commission system a nonpartisan commission made up of both lawyers and non-lawyers interviews applicants and recommends nominees to the governor, who then appoints one. After a brief initial term, judges selected by this process must stand for a retention vote, where voters can decide whether to keep the judge in office or not.

As opposed to the current system of selecting judges, a majority of respondents (60 percent) rated the commission system to be *good* or *very good*. Judging from an analysis of comments on the survey, citizens based this positive rating on four factors: (1) the use of a nominating commission as part of the appointment process; (2) the fact that retention elections provide voters with the opportunity to vote for or against all judges; (3) the fact that all judges may be held accountable by voters without the need for a person to run against a judge in a contested election; and (4) that judges always appear on election ballots at regular intervals.

When asked to choose between the current system or a commission system of judicial selection, over 60 percent indicated a preference for adopting a commission system while about 23 percent preferred staying with the current system, and 17 percent were unsure.

“Our findings indicate frustration on the part of voters with the lack of actual input they have in the selection of their judges, and they want to have the periodic opportunity to hold judges accountable,” said Brody. “The fact that the commission system does guarantee voters this opportunity is central to its appeal and why it was the clear preference of survey participants.”

The survey was conducted during the Fall of 2008 for the [American Judicature Society](#) (AJS) and the [Washington State Judicial Selection Coalition](#), and features a margin of error of +/- 2.9 percent. Primary funding for the survey and report was provided by AJS under a grant from the *Open Society Institute*. Additional funding was provided by the Washington State Bar Association, Washington State University, and the University of Washington School of Law.

About the WSU Criminal Justice Program

The WSU criminal justice program, founded in 1941, is one of the oldest such programs in the nation. Ranked 18th in the nation by *U.S. News & World Report* in 2005, it is the home of the first chapter of Alpha Phi Sigma, the criminal justice honorary. Graduates of the B.A., M.A. and Ph.D. degree programs have distinguished themselves in law enforcement, juvenile justice, corrections, court operations, homeland security, industrial security, state emergency management planning, and program evaluation positions. A significant number of WSU criminal justice students enroll in doctoral programs. WSU launched its own a doctoral degree in criminal justice in 2003, and the students in that program may pursue both an M.A. and doctorate through coursework at WSU Spokane and Pullman.

About WSU Spokane

WSU Spokane is the urban campus of Washington State University, a land-grant research university founded in 1890. The campus features advanced studies and research in health sciences and health professions, the design disciplines, education, social and policy sciences, and science and technology. Washington State University is one of just 95 public and private research universities with very high research activity, according to the Carnegie Foundation for the Advancement of Teaching classifications. In addition, U.S. News & World Report ranks WSU as one of the top public research universities in the nation.

Web sites:

Public Attitudes Regarding the Selection of Judges in the State of Washington: Results of a Statewide Survey, 2008 <http://www.spokane.wsu.edu/Academics/CrimJ/crimj_research.html>

American Judicature Society: www.ajs.org

WSU Spokane MA Criminal Justice <www.crimj.spokane.wsu.edu>

WSU Spokane <www.spokane.wsu.edu>

WSU Department of Criminal Justice <<http://libarts.wsu.edu/crimj/>>

Division of Governmental Studies and Services <<http://dqss.wsu.edu/>>